JOE WARDY MAYOR

JOYCE WILSON CITY MANAGER



CITY COUNCIL

SUSAN AUSTIN DISTRICT NO. 1

ROBERT A. CUSHING, JR. DISTRICT NO. 2

JOSE ALEXANDRO LOZANO DISTRICT NO. 3

PROPOSED AGENDA FOR REGULAR COUNCIL MEETING, COUNCIL CHAMBERS MAY 24, 2005 9:00 A.M.

JOHN F. COOK DISTRICT NO. 4

PRESI ORTEGA, JR. DISTRICT NO. 5

PAUL J. ESCOBAR DISTRICT NO. 6

VIVIAN ROJAS DISTRICT NO. 7

ANTHONY W. COBOS DISTRICT NO. 8

ROLL CALL

1.

Invocation – Police Chaplain Clift Barnes Pledge of Allegiance

REGULAR AGENDA

- Speech presentation regarding the need for salary increases for City Representatives and the Mayor of the City of El Paso. [Anita Blair] POSTPONED FROM 05/10/05
- **2.** The environment and neighborhood parks. [Esther Perez]
- **3.** Discussion and action: Confiscated video game machines, cash, employee time cards, computer hard drives, merchandise, receipts and other documents. [Thurman Reynolds]

MAYOR'S PROCLAMATION

NATIONAL SENIOR HEALTH & FITNESS DAY

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members or persons in the audience. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

CONSENT AGENDA

4. APPROVAL OF MINUTES: [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for Regular City Council Meeting of May 17, 2005; and Special City Council Meeting of May 15, 2005 (Resolutions canvassing the 2005 General Election votes and calling runoff election).

Reconsideration of Approval of Minutes for Regular City Council Meetings of April 5, 2005 and April 26, 2005.

5. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

6. **RESOLUTIONS**:

- **6A.** That the Mayor be authorized to sign affidavits required for the Texas Department of Transportation (TxDOT) matching fund adjustment for economically disadvantaged counties for TxDOT Transportation Project applications for 2005. **(All Districts)**[Building and Planning Services, Patricia D. Adauto, (915) 541-4853]
- 6B. That the Mayor be authorized to sign a COPS Grant, including all necessary documents, letters, understandings and assurances contained therein, and accept a grant in the amount of \$295,993.00 from the U.S. Department of Justice, for a COPS Technology Interoperability project to update the existing AFIS system by increasing the capacity of the system and networking into the department and other area agencies, expand the E-Ticketing project, for the purchase of the Two-Finger Fast Id devices, Livescan technology and integration with the Records Management System; authorizing the Chief of Police to sign any related paperwork, including all understandings and assurances contained therein, and apply for, accept, reject, alter, or terminate the grant and authorize budget transfers; submit any necessary revisions to the operational plan; that the grant officials be as designated in the agreement; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments or corrections to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant. [Police Department, Assistant Chief Paul Cross, (915) 564-7310]
- 6C. That the Mayor be authorized to sign a COPS Grant, including all necessary documents, letters, understandings and assurances contained therein, and accept a grant in the amount of \$246,661.00 from the U.S. Department of Justice, for a COPS Technology project to update the existing AFIS system by increasing the capacity of the system and networking into the department and other area agencies, expand the E-Ticketing project, for the purchase of the Two-Finger Fast Id devices, Livescan technology and integration with the Records Management System; authorizing the Chief of Police to sign any related paperwork, including all understandings and assurances contained therein, and apply for , accept, reject, alter, or terminate the grant and authorize budget transfers; submit any necessary revisions to the operational plan; that the grant officials be as designated in the agreement; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments or corrections to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant. [Police Department, Assistant Chief Paul Cross, (915) 564-7310]

7. REINSTATEMENT: Request for name to be placed on Reinstatement List in accordance with Article VI, Section 6.10.10, of the Civil Service Charter Provisions:

Piña, Marco - Firefighter [Fire Department, Chief Roberto Rivera, (915) 771-1000]

- **8.** Request to fill positions on a temporary basis in accordance with Article VI, Section 6.6-3. of the Civil Service Charter Provisions:
 - **8A.** Recreation Leader III (11)

Recreation Leader II (40)

Fund Source: 51150056-10041-71000G7130CD0005

[Parks & Recreation, Norman Merrifield, (915) 541-4331]

8B. Recreation Leader II (1)

Fund Source: 51510073-16308-51052P0008-UF [Parks & Recreation, Norman Merrifield, (915) 541-4331]

8C. Recreation Leader II (1)

Fund Source: 51510115-16312-51058P0011-UF [Parks & Recreation, Norman Merrifield, (915) 541-4331]

8D. Recreation Leader II (4)

Fund Source: 51510075-16338-51063-UF [Parks & Recreation, Norman Merrifield, (915) 541-4331]

8E. Recreation Leader III (1)

Recreation Leader II (2)

Fund Source: 51510076-16339-51064-UF [Parks & Recreation, Norman Merrifield, (915) 541-4331]

- 9. STAFFING TABLE CHANGES:
 - 9A. Fire

Add	1.00	Training Specialist	PM 74
Delete	1.00	Firefighter	FS 1

Fund Source: 62620010-40101-62040

[Fire Department, Chief Roberto Rivera, (915) 771-1000]

9B. Performing Arts & Culture

Delete 1.00 Arts Audience Development Coordinator PM 73

Fund Source: 55010303-15707-55000

[Performing Arts and Culture Resources, Betty Jaraba, (915) 541-4896]

9C. Solid Waste Management

Add	5.00	Cashier I	GS 12
Delete	5.00	Landfill Attendant	GS 12
Add	1.00	Laborer	GS 07
Delete	1.00	Sanitation Worker	GS 09

Fund Source: 34010296-40403-34000

Add 3.00 Laborer GS 07 Delete 3.00 Sanitation Worker GS 09

Fund Source: 34010293-40403-34000

[Solid Waste Management, Ellen A. Smyth, (915) 621-6719]

10. RESIDENTIAL STREET LIGHT(S): Approve installation, power, and maintenance of residential street light(s) at the following location(s):

Eight (8) Street Lights in the San Juan Area at various locations as per below addresses (as per drawing) in the amount of \$5,047.00 (**District 3**)

1.	Between 6285 & 6291 Yandell Drive		\$	899.00
2.	Between 6257 & 6275 Tampa Avenue		\$	899.00
3.	Between 6220 & 6224 Welch Avenue		\$	464.00
4.	Two at Welch St. lights between	(2 @)	\$	464.00
	Frederick Rd. & Clark Rd. as per drawing			
5.	Two at Welch St. lights between		\$	464.00 & \$929.00
	Glenwood St. & Frederick Rd. as per drawing			
6.	Between 400 & 402 Frederick Road		\$	464.00
	Total:		\$5	5,047.00

Funding from Account #508036; Fund #07682; Project #G7128CD0023 [Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]

11. DISCRETIONARY FUNDS:

Request to allocate \$3,000 from District 1 discretionary funds to the City of El Paso Parks and Recreation Department to assist with the costs of the 2005 Club Rec. Program at Roberts Elementary School. [Dept. ID 0101000, Fund 01101, Acct. 504420] [Representative Susan Austin, (915) 541-4886]

12. APPLICATIONS FOR USE OF CITY PARKS/STREETS & SIDEWALKS:

Permission to use public streets, sidewalks or parks for special events does not constitute endorsement by the City of El Paso of the contents of any expression that takes place during these events.

Ascarate Elementary School to hold an End of Year Color Day Parade on May 27, 2005 from 9:00 a.m. to 10:00 a.m. Route: Start at back of school yard — 7090 Alameda Ave to George Orr, turn right on George Orr to Granite, turn right on Granite to Red Robin, turn right on Red Robin to Sparrow, turn right on Sparrow to George Orr, turn left on George Orr and finish at Ascarate Elementary School. Approximately 600 persons, 5 vehicles will take part and 200 spectators are anticipated. PERMIT # 05-052 [Grace Martinez] (District 3)

NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 5 OFFICERS AND 5 VEHICLES. ESTIMATED COST TO CITY: \$175.00; ESTIMATED COST TO APPLICANT: \$75.00. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

12B. Catholic Community of Corpus Christi to hold a procession on May 29, 2005 from 6:00 p.m. to 8:00 p.m. Route: Start at 451 Mockingbird to North Loop, turn right on North Loop to Tenango and finish at Corpus Christi Parish. Approximately 400 persons, 1 vehicle and 2 golf carts will take part. This request includes permission to use amplification (2 microphones and 2 speakers). PERMIT # 05-054 [Mike Garcia] (Districts 6 and 7)

NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. TXDOT FORM LETTER. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 5 OFFICERS AND 5 VEHICLES. ESTIMATED COST TO CITY: \$350.00; ESTIMATED COST TO APPLICANT: \$150.00. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

- 12C. Constance Elementary School to hold an end of the year parade on May 27, 2005 from 10:15 a.m. to 10:45 a.m. Route: Start at school parking lot 7755 Franklin Dr., turn right on Franklin Dr. to Franklin Loop, turn left on Franklin Loop and circle around to Franklin Dr., turn right on Franklin Dr. to Barton, turn right on Barton to Franklin Dr., turn left on Franklin Dr. and finish at the school. Approximately 460 persons, 3 vehicles will take part and 100 spectators are anticipated. PERMIT # 05-058 [Nellie Morales] (District 7)
 NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 4 OFFICERS AND 4 VEHICLES. ESTIMATED COST TO CITY: \$75.00; ESTIMATED COST TO APPLICANT: \$25.00. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.
- **12D.** San Juan Bautista Catholic Church to hold a procession on May 29, 2005 from 6:30 p.m. to 8:00 p.m. Route: Start at 5647 Dailey to Glenwood, turn left on Glenwood to Tamburo, turn right on Tamburo to Frederick, turn left on Frederick to Cleveland, turn right on Cleveland to Clark, turn left on Clark to Trowbridge, turn right on Trowbridge to Geronimo, turn right on Geronimo to Yandell, turn right on Yandell to Frederick, turn left on Frederick to Ybarra, turn right on Ybarra to Glenwood, turn left on Glenwood to Dailey, turn right on Dailey and finish at the church. Approximately 200 persons will take part. This request includes permission to use amplification (1 p.a. system 150 watts and 2 microphones). PERMIT # 05-057

NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 4 OFFICERS AND 4 VEHICLES. ESTIMATED COST TO CITY: \$225.00; ESTIMATED COST TO APPLICANT: \$75.00. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

REGULAR AGENDA

13. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

13A. An Ordinance authorizing the City Manager to sign a Special Warranty Deed conveying to SFPP, L.P., a subsidiary of Kinder Morgan, G.P., Inc., land totaling approximately 35 acres out of a portion of Tract 5D, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, and a portion of Tract 1, Section 28, Block 80, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas, located in northeast El Paso near Ashley Road and Dyer Street. (District 4)

[El Paso Water Utilities Public Service Board, Robert Andron, (915) 594-5506]

- 13B. An ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.180 (No Stopping or Standing Tow Away Zone), of the El Paso Municipal Code, to delete the Subsection identifying the No Stopping or Standing Tow-Away Zone on Overland Avenue, South side only, between Ochoa Street and Virginia Street. The Penalty as Provided in Section 12.84.010 Of the El Paso Municipal Code. (District 8)
 [Engineering Department, Traffic Division, Ted Marguez, (915) 541-4035]
- An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III, Parking Prohibited At All Times on Certain Streets), of The El Paso Municipal Code, To Add A New Subsection Parking Prohibited at All Times on the East Side of South Virginia Street from Overland Avenue South to the Railroad Tracks. The Penalty as Provided in Section 12.84.010 Of the El Paso Municipal Code. (District 8)

 [Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]
- An Ordinance amending Chapter 2.64 (City Employees' Pension Fund) of the El Paso Municipal Code regarding the definition of final pay in the pension calculation. [Pension Administration, Robert Ash, (915) 541-4765]
- 13E. An Ordinance amending Chapter 2.64 (City Employees' Pension Fund) of the El Paso Municipal Code regarding amendments proposed by tax attorneys. [Pension Administration, Robert Ash, (915) 541-4765]

PUBLIC HEARING WILL BE HELD ON JUNE 7, 2005 FOR ITEMS 13A - 13E

13F. An Ordinance changing the zoning of a portion of Lot 75, Block 246A, Vista Del Sol Unit Eighty-Nine, El Paso, El Paso County, Texas from [R-3 (Residential) to A-2 (Apartment)]. The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Applicant: Claudia J. Sanchez. ZON04-00098 (District 6) [Planning, Research and Development, Christina Valles, (915) 541-4930]

PUBLIC HEARING WILL BE HELD ON JUNE 14, 2005 FOR ITEM 13F

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

14. MAYOR AND COUNCIL:

14A. Discussion and action to instruct the City Manager to either: 1) make full and complete payment of outstanding invoices for services performed for the City of El Paso by a legitimate vendor, or, in the alternative, 2) provide complete and unambiguous written response to the vendor setting out the alleged reason/s for the non-payment of the invoices. Absent immediate and proper remedial action/s in this area on the part of the City Manager, the City could be subjected to undue and unnecessary public criticism.

[Representative Robert A. Cushing, Jr., (915) 541-4996]

14B. Discussion and action to direct the proper distribution of monies commonly referred to as "Palo Verde Rewards", in an amount of \$5.8 million dollars, and to evaluate the utilization of the Housing Authority of the City of El Paso (HACEP) as a source for distribution of a part of said funds, not to exceed 50%, since the HACEP serves as the most prominent and distinct institution, with the necessary existing resources and infrastructure, to execute part of these funds, not to exceed 50% to the intended benefit of ". . . low income customers of El Paso Electric Company . . . ", absent the current existence of the intended recipient for such funds or any existing successor entity.

To additionally direct the proper distribution any remaining monies, to assist small business and commercial customers for demand side management programs, consistent with the intent of the agreement for said monetary distribution, and to prohibit the utilization of any such remaining monies for any public or quasi-public projects.

Any distributions as set forth would be subject to the direction and approval of the Mayor and City Council. [Representative Robert A. Cushing, Jr., (915) 541-4996]

15. **COMPTROLLER:** [Comptroller, Carmen Arrieta-Candelaria, (915) 541-4435]

Discussion and action on a resolution to authorize the City Manager to accept approximately \$5.8 million in Palo Verde Rewards from the El Paso Electric Company, determine how the Palo Verde Rewards will be used, and establish any requisite criteria for directing the use and accounting of the Palo Verde Rewards. POSTPONED FROM 05/17/05 AND 05/10/05

16. PUBLIC HEARING - MAYOR AND COUNCIL:

[Representative Paul J. Escobar, (915) 541-4182]

An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.040 (Schedule IV, Parking Prohibited During Certain Hours on Certain Streets), Paragraph J (No Parking 7:00 A.M. to 4:00 P.M.), of the El Paso Municipal Code, to amend Subsection 4 to read Frank Cordova Circle (North Entrance), from Firehouse Drive to a point 750 feet East thereof, both sides, all of Mike Andrade Place, all of Luis Gomez Place, and at the following properties in the Frank Cordova cul-de-sac; 12121, 12125, 12127, and 12129. The Penalty as provided in Section 12.84.010 of the El Paso Municipal Code. (District 6)

17. **PUBLIC HEARING – FINANCIAL AND ADMINISTRATIVE SERVICES:**

[Financial and Administrative Services, Gonzalo Cedillos, (915) 541-4074]

An Ordinance authorizing the City Manager to sign a Contract of Sale and any other necessary documents between the City of El Paso and the Humane Society of El Paso, Inc. which will allow for the City to convey property commonly known as 211 and 325 Shelter Place, El Paso, El Paso County, Texas, including the improvements thereon.

(District 3) POSTPONED FROM 04/26/05

18. PUBLIC HEARING – HUMAN RESOURCES:

[Human Resources, Terry A. Bond, (915) 541-4509]

An ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 1, Civil Service Commission, Section 10, Commission Recorder, to clarify disciplinary procedures. POSTPONED FROM 05/17/05 AND 05/03/05

19. PUBLIC HEARINGS – PLANNING, RESEARCH AND DEVELOPMENT:

- 19A. Discussion and action on a resolution that the El Paso City Council hereby renames a portion of Solitude Court beginning at its intersection with Star View Drive and continuing to its terminus 171.33 feet east more or less, to Pleasant View Court, and authorizes the Mayor to take any and all action necessary to effectuate such renaming. The entire length of Solitude Court hereby renamed is located within the City of El Paso, El Paso County, Texas. Applicant: Clement Nduka. NC05001 (District 1)

 [Planning, Research and Development, Fred Lopez, (915) 541-4925]
- **19B.** An ordinance incorporating the El Paso Water Utilities Public Service Board Westside Master Plan as a specific study area plan into the city's comprehensive plan, *The Plan for El Paso*, and which plan shall amend the *Plan For El Paso* and the Year 2025 General Land Use Map incorporated therein. **(District 1)** [Planning Research and Development, Frank Delgado, (915) 541-4730]

POSTPONED FROM 05/03/05 AND 04/05/05

- **19C.** An Ordinance changing the zoning of Lots 17-20, Block 52, Bassett Addition, El Paso, El Paso County, Texas from [M-1 (Light-Manufacturing) To A-3 (Apartment)]. The penalty is as provided for in Chapter 20.68 of The El Paso Municipal Code. Applicant: John R. Bruker. ZON05-00008 (**District 8**) [Planning, Research and Development, Christina Valles, (915) 541-4930]
- **19D.** An Ordinance granting Special Permit No. ZON05-00010, to allow for a parking reduction on the property described as Lots 17-20, Block 52, Bassett Addition, El Paso, El Paso County, Texas, pursuant to Section 20.64.175 of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: John R. Bruker. ZON05-00010 **(District 8)** [Planning, Research and Development, Christina Valles, (915) 541-4930]
- 19E. An Ordinance granting Special Permit No. ZON05-00011, To allow for a parking reduction on the property described as the East 15 ½ feet of Lot 20 and the West 19 feet of Lot 21, Block 32 Franklin Heights Addition, El Paso, El Paso County, Texas, pursuant to section 20.64.175 of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicants: Elizabeth Valenzuela and Oscar Venegas. ZON05-00011 (District 8) [Planning, Research and Development, Christina Valles, (915) 541-4930]
- **19F.** An Ordinance changing the zoning of a portion of Lot 2, Block 1, Whitfield Unit Two, El Paso, El Paso County, Texas from M-1 (Light Manufacturing) to R-3 (Residential). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: City of El Paso, Texas. ZON03-00078 (**District 1**) [Planning, Research and Development, Christina Valles, (915) 541-4930]

- **19G.** An ordinance granting a Special Privilege to O.P.E.P. Incorporated to temporarily close a portion of Ochoa Street between First Avenue and Paisano Drive for a "Foam Party Memorial Day Celebration" on Sunday, May 29, 2005 and Monday, May 30, 2005. (Fee: \$137.50, SP-05008) (District 8) [Planning Research and Development, Esther Guerrero, (915) 541-4720]
- 20. The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074 PERSONNEL MATTERS

Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

20A. Lilli M. Heinrich vs. The City of El Paso, et al; Cause No. 2004-2313 in the 346th District Court. (551.071) [City Attorney's Office, James A. Martinez, (915) 541-4550]

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print or audio tape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

http://www.elpasotexas.gov